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Amy Russell, Durham University

The rhetoric of losing and the construction of political norms[1]

In 51 BCE, Gaius Lucilius Hirrus was standing for curule aedile. Hirrus was related to Pompey's mother, had inherited great wealth from his uncle the satirist which he invested in villas and profitable fish-farms, and had made a splash in his tribunate in 53 by agitating to have Pompey appointed dictator. On the other hand, he had recently lost an augural election, to no other than Cicero, who did not think highly of his political acumen, and who mocked his speech impediment by calling him 'Hillus'.[2] Even so, Hirrus might have hoped for success in his electoral campaign. The other candidates, Marcus Octavius and Marcus Caelius Rufus of *Pro Caelio* fame, were not obviously better-qualified, and the fact that there were only three candidates for two magistracies meant he had a good chance. In the end, however, he was defeated.

We have extensive information about the aedilician elections in 51 for 50 because Hirrus' competitor Caelius was one of Cicero's correspondents. Cicero, stranded at the other end of the Mediterranean as an unwilling governor of Cilicia, was starved for electoral gossip, and Caelius' letters are full of it. One episode he narrates in detail is Hirrus' reaction to defeat:

> post repulsam vero risus facit; civem bonum ludit et contra Caesarem sententias dicit, exspectationem corripit, Curionem prorsus non mediocriter obiurgat; ut hac repulsa se mutavit! praeterea, qui numquam in foro apparuerit, non multum in iudiciis versatus sit, agit causas liberals, sed raro post meridiem. (Cael. *ap.* Cic. *Fam*. 8.9.1)[3]

[1] I would like to thank the editors for inviting me to contribute this paper, and all the attendees at the Cologne workshop, for their helpful comments. An earlier version was given at the Classical Association conference in Nottingham, at a panel I co-organized with Henriette van der Blom; thanks are also due to her and to the other panellists, Harriet Flower and Ida Östenberg. All errors remain my own. All dates are BCE. I refer to elections by the year in which they took place, not the year of the subsequent magistracy. Translations are my own.

[2] The campaign for the aedileship: Cael. *ap*. Cic. *Fam*. 8.2.2; 8.3.1. Family and wealth: Varro *RR* 2.1.2, 3.17.3; Plin. *NH*. 9.171. Working for Pompey's dictatorship: Cic. *Q. F.* 3.8.4, where Cicero calls him *ineptus*. Augural defeat: Cael. *ap*. Cic. *Fam*. 8.3.1. Hillus: Cic. *Fam*. 2.10.1. The aedilician elections took place in August 51.

[3] There are some problems with the text of this passage: I follow Watt's OCT. In the first sentence, the ms. have *curionem prorsus curionem*. Most editors simply delete the repeated name; Shackleton Bailey 1977, 394 suggests *consules prorsus*. In the next sentence, *obiurgat; ut hac* is Watt's own conjecture for the ms. *-gatus ac* M, *-gat ac* G; but here the sense is clear.

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> After his defeat, though, he puts on a smile. He plays the good citizen, speaks against Caesar, blames the delay, rebukes Curio directly and not gently; how he has changed after this defeat! What is more, though he never used to appear in the forum and did not spend much time in the law courts, he pleads freedmen's cases, though rarely after midday.

Losing, Caelius writes, has changed Hirrus completely. It seems to have prompted a complete alteration of his personality and habits: a crisis of personal identity.

Given what we know about the lives of Republican Rome's political elite, we should expect no less. The annual election of magistrates was the most visible element of the competition that structured their entire lives.[4] Even a man born into the most exclusive social position, the son and grandson of consuls and censors, had to win the approval of the *comitia* in competition with other men who may well have had many of the same advantages. Elections were personal: the ultimate test of *virtus*. The men who lost these contests, contests for which they had been preparing all their lives, faced distress and embarrassment, an emotion often referred to in the Latin texts as *dolor*.[5] A defeat struck at the very roots of their selfhood.

Lists of not just winners but also defeated candidates in elections have been compiled by Broughton, Evans, Konrad, and Farney, and in recent years both Pina Polo and Baudry have produced extensive analyses of losing candidates and their later political careers.[6] In this paper, I expand on their work by exploring the rhetoric surrounding defeat, and especially the reactions of the losers. As we might expect, few honoured the premises on which the elections were supposedly held, accepting that the *populus Romanus* and through them the gods had identified a better man. The losers' rationalizations, excuses, and even attempts to profit reveal to us a fascinating range of alternative perspectives on the electoral process, on the spoken and unspoken norms which governed aristocratic competition, and on the ways in which those norms could be bent or even flouted.

[4] In general on elections, their role in elite life, and the spoken and unspoken regulation of electoral competition see Yakobson 1999; Mouritsen 2001, 90-127; Beck 2005, esp. 22-30; Tatum 2007; Hölkeskamp 2010, 92-5 and 103-5; Tatum 2013. On the practicalities of elections, Feig Vishnia 2012 has a recent synthesis.
[5] On the loss of honour brought about by defeat, see esp. Baudry 2013, 123-6. On the Latin terminology for defeat and its consequences, see Briscoe 1981, 332; Baudry 2013, 121-3. Hölkeskamp 2010, 91-2, lays out the realities of an elite man's life which, among other things, determined why loss could be so psychologically threatening: political success was not optional, but was the only scale on which his worth was measured.
[6] Broughton 1991; Evans 1991; Konrad 1996; Farney 2004; Pina Polo 2012; Baudry 2013; Pina Polo 2016.

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The aftermath of an election was a time for reflection, congratulation, and recrimination. Reactions to defeat are an example of the rhetoric of praise and blame, and as such they are important for constructing and policing norms.[7] In this chapter, I examine a range of examples and scenarios in which the aftermath of an election could be a stage for performing and discussing norms and values. In the next section, I discuss ways in which a loser's reaction to defeat was an opportunity to demonstrate *virtus*; a successful reaction could even help his future electoral chances. Later sections consider how losers explained their defeats, to themselves as much as to others.

The pain of defeat and the unspoken rules of elite competition placed contrasting demands on the psyches of electoral losers. Often the result was a kind of rhetorical fragmentation: their explanations participated in and affected the discourse of norms and values, but were regularly cast in terms explicitly marked as separate from normal political speech. They could even create entire parallel systems of spurious norms, accusing opponents of violating non-existent taboos. Losers' stories both inform and challenge our understanding of the unspoken rules of Roman politics.

The immediate aftermath

The first challenge for a defeated candidate was controlling his emotions as the result was announced. In 50, the year after he defeated Hirrus, Caelius wrote to Cicero about another defeated candidate, this time for an augurate. Cicero, away in Cilicia, has been deprived of a piece of delicious schadenfreude:[8]

> tanti non fuit Arsacen capere et Seleuceam expugnare, ut earum rerum quae hic gestae sunt spectaculo careres; numquam tibi oculi doluissent, si in repulsa Domiti vultum vidisses. (Cael. *ap.* Cic. *Fam.* 8.14.1)

[7] On the use of praise and (especially) blame to police cultural norms, see Dominik/Smith 2011.
[8] Caelius writes similarly about Lentulus Crus' reaction to his defeat in the elections for membership of the *quindecemviri sacris faciundis* in 51, calling his face a delicious spectacle (*'pulcherrimo spectaculo*', 8.4.1).

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> To capture Arsaces and take Seleucea would not be enough to make up for missing the spectacle of what has been happening here. Your eyes would never ache again, if you saw the face of Domitius after his defeat.

Cicero and Caelius were probably not alone in scrutinizing losers' reactions. All aspiring politicians were potential rivals, and onlookers might well enjoy seeing their peers and competitors humiliated. The immediate aftermath of defeat was therefore a test of character. There were moral as well as political reasons for trying to suppress an emotional reaction, since a Roman elite man should show self-control.[9] In this respect, then, Gaius Lucilius Hirrus was a better-than-average loser: rather than showing his disappointment, he put on a smile.[10]

Some of Hirrus' other reactions to his loss would also have won the praise of Roman moralists. Valerius Maximus devotes an entire section of his work to *exempla* of men who reacted appropriately to electoral defeat, with the aim that these stories should provide instruction to aspiring politicians *ad fortius sustinendos parum prosperos comitiorum eventa* ('to endure more bravely less happy electoral outcomes', 7.5.*init*.). Valerius' preamble counsels a general attitude of patience and prudence, but his examples draw some more specific lessons. Losers should take defeat as a spur to do better next time, like Aemilius Paullus, whose *virtus* was sharpened rather than damaged by his losses.[11] This was good advice. Plenty of politicians were successful on their second or third candidacy.[12] Ideally, losers should be motivated to perform some great deed in the service of the republic, which could then be justly rewarded with election at a later attempt. One of Valerius' positive examples is Q. Caecilius Metellus, the later Macedonicus, who was an unsuccessful consular candidate in both 146 and 145.[13] Valerius tells us that his *tristitia* and *rubor*, sadness and

[9] See e.g. Val. Max. 9.3.2, the negative *exemplum* of Gaius Figulus (discussed in more detail below, p. X), who forgot his *prudentia* and *moderatio* in defeat.
[10] Even Hirrus' happy face did not entirely save him from ridicule: in his letter congratulating Caelius on his win, Cicero mocks Hirrus' smiles – and perhaps his personality change too? – by comparing his own immoderate happiness at Hirrus' defeat to Hirrus' own behaviour: *dum illum rideo, paene sum factus ille* (Cic. *Fam*. 2.9.3).
[11] Val. Max. 7.5.3: *cuius uirtutem iniuriae non fregerunt, sed acuerunt*. Paullus lost up to three consular elections in the 180s before finally being elected in 183 for 182: Broughton 1991, 6-7.
[12] See Broughton 1991, 4; Baudry 2013, 130-1; Pina Polo 2012 has further discussion and examples.
[13] Val. Max. 7.5.4; Valerius only mentions a single defeat, but the *de viris illustribus* (61.3) says he lost twice at consular elections. For the dates, see below n.X.

embarrassment, at his electoral defeat turned to joy after he went on to win a triumph for his military successes in Greece, and was subsequently elected to the consulship.

As well as a challenge to the individual defeated candidate's identity, the aftermath of an election was an opportunity for the collective reinforcement of social norms. There were a large number of defeated candidates every year, and the intense competition for magistracies among a relatively small political class meant past rivals would have to work together in future. A strongly policed norm that defeated candidates would let their animosity go was essential if the system was to function smoothly.[14] But collective norms surrounding individual *virtus* were also in play. A defeated candidate was reminded, and served as a reminder to others, of what kind of behaviour was required of an elite man, and how he had failed to live up to that standard: he had not won enough battles or defended enough clients. The exemplary candidate, like Macedonicus, responded not by blaming or challenging the system or the values it represented, but by accepting that he had fallen short and redoubling his efforts. Hirrus, too, did the right thing: one of his responses was to take on more court cases.

It is worth noting that Valerius has his facts wrong: Macedonicus' defeats must have come after his triumph.[15] Yet the fact that Valerius or his source has confused or manipulated the order of events goes to show how culturally fixed this pattern of victory following defeat was. The trope that defeat could be an incentive to future success informs the advice Cicero gives the defeated Laterensis in the *pro Plancio*; it must have had real effects on the behaviour of candidates.[16] Hirrus and candidates like him who responded to defeat with new energy not only followed a pattern, but even drew attention to the fact that they were following it. It was in their interests to follow Macedonicus' *exemplum* in a self-consciously performative manner: by demonstrating their appropriate reaction to defeat they advertised their suitability for future office. The moral Valerius draws from Macedonicus' case is instructive:

[14] Full discussion in Hölkeskamp 2010, 103-6.
[15] Metellus was won his triumph as propraetor (Vell. Pat. 1.11.2), so cannot have stood for the consulship before he set out for Macedonia. The triumph took place in 146 (App. *Pun.* 135), and his final, successful consular candidacy was in 144 for 143; the two failures, then, must have been in 146 (after the triumph, unless he had special dispensation, but in any case after the victory) and 145.
[16] Cic. *Planc*. 52. For other examples of defeated candidates who then found new successes and went on to win at a later election see Pina Polo 2012, 80.

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> et quidem hoc facto meliore eo ciue usus est: intellexit enim quam industrie sibi gerendus esset consulatus, quem tanto labore impetrari senserat. (Val. Max. 7.5.4)
> And indeed after this experience Rome had a better citizen in him: he understood how diligently he had to carry out his consulship because he knew how hard he had worked to win it.

Valerius' comment that defeat made Macedonicus a better consul sounds suspiciously like a piece of electoral rhetoric. As a previously defeated candidate, he could argue that he deserved to win not only because he had been unfairly slighted last time but also because his experience of defeat would actually be an advantage in the consulship. The same theme crops up in Valerius' discussion of Paullus' sharpened *virtus* and *accensa cupiditas* earlier in the same section, and perhaps even in Livy's remarks on the *veteres candidati* for the consulship in 184, who are described as *ab repulsis eo magis debitum, quia primo negatus erat, honorem repetentes*: 'seeking a magistracy they deserved all the more because of their defeats, since it had earlier been refused to them'.[17] We cannot assume that Valerius or Livy had direct access to second-century candidates' own campaign rhetoric, but their use of the trope suggests that it was current at least in the late Republic, when the anecdotes they draw from would have crystallized. Losing candidates, then, could spin their good sportsmanship in defeat into an advantage for the future. This is how we should interpret Hirrus' conspicuous burst of new energy in the law courts. He was demonstrating to all that defeat had pushed him to be a better candidate and a better man, with the implicit argument that he would be a better magistrate for it.[18]

The search for an explanation

Unless he was willing to accept that he was a worse candidate, a man of lesser *virtus* than his opponent, the defeated candidate had to come up with some kind of rationalization of why he had lost. As tales of *dolor* and Hirrus' personality makeover show, the problem defeated candidates faced was psychological as well as rhetorical and psychological. In social psychology and sociology, the stories people tell to give structure to and explain difficult

[17] Paullus: Val. Max. 7.5.4, discussed above p.X; the elections of 184: Liv. 39.32.
[18] Incidentally, civil war intervened, and he did not stand again; but he was due to be a praetor had Pompey won at Pharsalus (Caes. *B. Civ.* 3.82), so his political ambitions certainly remained alive.

events, mistakes, or failures are known as 'accounts'.[19] Researchers have studied contemporary accounts ranging from the rationalizations of those who have been through a divorce to the excuses of those convicted of a crime. Psychologically, individuals need to develop an account that makes sense to them. Often it minimizes their blame. Accounts structure or even reconstitute the account-giver's identity. For example, a convicted criminal might tell a story in which he or she appears as someone who made a mistake, but did not mean to cause any harm, preserving his or her identity as a fundamentally good person. Such accounts also have a wider social function: they reinforce communal norms and values. The criminal who admits to a single mistake is appealing to and reinforcing the value that, whatever the law might say, moral judgments should consider intention. It makes no difference if the account is true or false, or if the person giving it believes it or not: in either case the choice of excuse given reveals something about the society and its values, and reinforces them.

Roman accounts and explanations for defeat also appealed to and reinforced shared values.[20] But analysing the defeated candidates' accounts can do more than just reveal a set of norms: the accounts themselves were also active participants in the processes by which norms and values were evolved and debated, and therefore give us an unusually direct view of the workings of Roman political culture. Because losers needed to think and talk explicitly about the reasons behind their defeat, their accounts often discuss the conventions governing elite competition. The period after an election, it seems, was a time when it was acceptable and indeed necessary to talk openly about norms and values that usually went unspoken.

A defeated candidate in a Roman Republican election had to produce an account that preserved his fundamental identity, and reassured him that he had not fallen short of his obligations as an elite man. Although he had lost the election, it was imperative that he did not think (or allow others to think) that he was deficient in *virtus*, *laus*, or *dignitas*.[21] At the same time, his account reinforced basic social norms, both that *virtus* and its concomitant

[19] Orbuch 1997, with a summary of earlier literature on the topic.
[20] Often we have no way of knowing whether the explanations or rationalizations that come down to us in the sources are really the candidate's own. For my purpose, it makes no difference: they are examples of possible explanations, accounts which fit into the prevailing system of norms and values; it is that system which I aim to analyse.
[21] The list comes from Cic. *Planc*. 6, quoted in the next paragraph.

qualities were and should be the defining quality in a politician, and that the political class were the primary bearers of *virtus*. On the communal level, however, another fundamental value needed to be upheld: that elections were appropriate methods of allocating *honores*. The result was a paradox.[22] If elections select the best man, and I believe I am the best man, how is it that I was not selected? One way of resolving the paradox was to situate the two basic claims - the individual's excellence and the appropriateness of elections - on different levels of discourse, and not to allow the two to meet. The rhetoric of excuses, and the special license to discuss norms in a new register when analysing elections, was one tool that allowed losers and their proxies to achieve this separation.

In the *pro Plancio*, Cicero clearly separates the two issues as he attacks Laterensis as a bad loser. Laterensis, defeated in the aedicilician elections of 56 or 55, reacted by charging the victorious Plancius with bribery. He claimed that there was no other explanation for his defeat, since he was patently the better candidate. But Cicero, defending Plancius, disagrees:

> quaerit enim Laterensis atque hoc uno maxime urget qua se virtute, qua laude Plancius, qua dignitate superarit… sed ego, Laterensis, caecum me et praecipitem ferri confitear in causa, si te aut a Plancio aut ab ullo dignitate potuisse superari dixero. itaque discedam ab ea contentione ad quam tu me vocas et veniam ad illam ad quam me causa ipsa deducit. [7] quid? tu in magistratibus dignitatis iudicem putas esse populum? fortasse non numquam est; utinam vero semper esset! sed est perraro… (Cic. *Planc*. 6-7)
>
> Laterensis asks one question, and pushes it forcefully: in what way did Plancius outdo him in *virtus*, reputation, or *dignitas*?... But, Laterensis, I will confess that I would be carried down a difficult and dangerous path if I were to say that you could be surpassed in *dignitas* either by Plancius or by anyone else. Therefore I will step aside from the argument you have proposed for me and I will move to the one to which the case itself leads me. What? Do you think that the people are a judge of *dignitas* in magistrates? Sometimes, maybe – I wish they always were! But it is rare…

Here it is Cicero, not the defeated candidate, who sets up two levels of discourse, as part of an argument that Laterensis should have done the same. Laterensis is using the discourse of

[22] Steel 2011 analyses Cicero's *ambitus* defences as ways of resolving this paradox.

electioneering: the best man ought to have won, he claims, and I am the best. Despite his flattery, Cicero suggests that Laterensis is naïve to continue in this vein. The explanation for Laterensis's loss and Plancius' win is found not in comparing their *virtus*, but in the practicalities of elections. Later in the speech, he returns to the same point:

> "cur iste potius quam ego?" vel nescio vel non dico vel denique quod mihi gravissimum esset, si dicerem, sed impune tamen deberem dicere: "non recte." nam quid adsequerere, si illa extrema defensione uterer, populum quod voluisset fecisse, non quod debuisset? (Cic. *Planc*. 16)
>
> "Why him rather than me?" Either I don't know, or I won't say, or, lastly – a thing it would be dangerous for me to say, but which I should be allowed to say without fear all the same – it was the wrong choice. For what use would it be if I brought in that gravest defence, that the *populus* did what it wanted and not what it should have done?

Here the two levels of discourse are more obvious. Cicero clearly marks his claim that the *populus* might not have made the best choice as a serious departure from the norms of public speech, something that might even be dangerous for him to say. In both passages, Cicero uses one of his favourite rhetorical tactics: in simple, casual language he adopts the pose of an insider pulling back the veil. Just for a moment, he hints, let us talk about the things we don't usually talk about. Drawing the listeners into his confidence and flattering them as fellow members of the cognoscenti, he allows that in this court, among educated and like-minded individuals, we can admit for once that sometimes the people do not always vote for the best man. Just as in the *pro Caelio* Cicero doles out snippets of Palatine gossip to an eager audience in a tone that veers between intimacy and mock reluctance, here he gives the jurors a window into the unspoken truths of politics and dares to make plain the unwritten norms that structure political culture. When he goes on to denigrates the people's judgement in unsparing terms, he intends his words to be as excitingly shocking as his titillating attacks on Clodia.[23] The truth, he tells his listeners, is that the electorate can be wrong; but outside this court we must never say so.

[23] E.g. *Planc*. 9, 10, 15.

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It was considered both bad form and bad strategy to blame the people for an electoral defeat.[24] Blaming the voters insulted them, and did not enhance the defeated candidate's chances in future.[25] The key *exemplum*, as ever, is reported by Valerius:

> C. autem Figulum mansuetissimum, pacato iuris ciuilis studio celeberrimum, prudentiae moderationisque inmemorem reddiderunt: consulatus enim repulsae dolore accensus, eo quidem magis, quod illum bis patri suo datum meminerat, cum ad eum postero comitiorum die multi consulendi causa uenissent, omnes dimisit, praefatus 'an nos consulere scitis, consulem facere nescitis?' dictum grauiter et merito, sed tamen aliquanto melius non dictum: nam quis populo Romano irasci sapienter potest? (Val. Max. 9.3.2)
>
> Gaius Figulus, a very mild-mannered man, famous for the tranquil study of civil law, was pushed to forget his self-control and moderation. For he was afflicted with anger at his defeat in the consular elections, all the more so because he remembered that this honour had been given to his father twice. When people came to him the day after the elections to ask for his legal opinion, he sent them all away and said, "So you can consult me, but you cannot make me consul?" He spoke seriously and sensibly, but even so it was perhaps better unsaid: for who can wisely show anger towards the Roman people?

Figulus' mistake was not to keep the two levels of discourse separate: like Laterensis, he gave his voters an explanation meant for an elite audience.

In the *pro Plancio*, we hear Cicero's rationalisation, not that of the candidate himself. But our sources do preserve a small number of what claim to be real 'accounts' in the sense that social psychologists use the term: the explanations offered by candidates themselves. In the example with which I began, Hirrus blamed the delay: the elections in 51 had been put off for many months. We cannot excavate what lies behind his claim: maybe he alluded to the fact that a different set of voters were in town, or maybe he believed that his campaign had peaked too early. In any case, by blaming some contingent factor he managed to create a simple, face-saving account which threatened neither the electoral process nor his own *virtus*.

[24] See Jehne 2011 for a larger discussion of the difficulties involved in blaming or insulting the people.
[25] It falls short of the attitude of Jovialität towards the people explored by Jehne 1995. While campaigning, a candidate was supposed to beg the voters humbly for their support: see esp. Cic. *Planc*. 12; Plut. *Vit. Cat. Min.* 49; Dio 40.58; Flaig 2003, 23-27.

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By restricting his account to practicalities, he avoided challenging any of the values surrounding the elections.

Other preserved accounts play more complex games with norms and values. Sulla came up with an ingenious explanation for his loss in the praetorian elections, perhaps in 97:

> ἐπὶ στρατηγίαν πολιτικὴν ἀπεγράψατο καὶ διεψεύσθη: τὴν δ᾽ αἰτίαν τοῖς ὄχλοις ἀνατίθησι. φησὶ γὰρ αὐτοὺς τὴν πρὸς Βόκχον εἰδότας φιλίαν, καὶ προσδεχομένους, εἰ πρὸ τῆς στρατηγίας ἀγορανομοίη, κυνηγέσια λαμπρὰ καὶ Λιβυκῶν θηρίων ἀγῶνας, ἑτέρους ἀποδεῖξαι στρατηγοὺς ὡς αὐτὸν ἀγορανομεῖν ἀναγκάσοντας. (Plut. *Vit. Sull.* 5)
>
> He stood for the praetorship and was defeated, but he places the blame on the people. For he says that they knew about his friendship with Bocchus, and they expected him to put on splendid hunts of Libyan animals if he took up the aedileship rather than the praetorship. So they chose others to be praetors in order to force him to be aedile.

Sulla's account is a masterpiece of wafer-thin rationalization, less an excuse than a boast. Rather than insulting the people, it is a claim that they held him in high regard, and even expected more of him than of other candidates. Meanwhile, it reminds the audience of his much-vaunted connections with Bocchus and his exploits in Africa. As an excuse, it is patently false: Plutarch goes on to point out that he was elected in the next year, when the fact he had never been aedile still applied. But if we analyse Sulla's statement as an account, it does not matter whether it is true or not, or whether Sulla himself believed it. I doubt that he expected anyone to believe it. The process of giving accounts has to be seen for what it is: it is not a conversation about the exchange of information, but a ritualised process allowing the loser to save face. In the process, both excuse-giver and audience were able to reaffirm larger truths they already knew.[26]

Sulla's account fits into wider a pattern of explanations that are actually boasts or compliments. Cicero offers the same explanation for Mamercus' defeat in a consular

[26] Compare the role of invective in Roman society: whether or not the actual accusation was true, the choice of accusation confirmed wider social norms. So (with varying emphasis on factual truth) Corbeill 1996; Craig 2004. The larger truths at play in Sulla's account range from the glories of Rome's African conquests to the reciprocal relationship between mass and elite: the people expect displays of euergetism, and the elite expect votes.

election.[27] Perhaps it was more palatable than the reason some modern scholars have suggested truly lay behind Mamercus' defeat, namely that he was Sulla's favoured candidate in a year when the *comitia* were reacting against their erstwhile dictator.[28] Choosing the disguised compliment instead soothed the candidate's wounded dignity without openly insulting the electorate.

One group of 'complimentary' explanations must have been aimed not at the electorate as a whole, but at a restricted audience. Sometimes, losers were more interested in saving face among their peers than in winning votes from the people in a future contest. The author of the *de viris illustribus* reports that Metellus Macedonicus' *severitas* cost him two elections, an explanation that might play well among senatorial circles.[29] Another of Valerius' examples is Aelius Tubero, who was apparently unsuccessful because he had been miserly in his decorations for a public banquet.[30] If this explanation goes back to the candidate or his friends, could it be another appeal to senatorial audiences, who would understand that the mob is easily swayed by such small things and is no true judge of character? It probably fit Tubero's own sense of self more pleasantly than the other explanation proffered by Cicero, that his poor oratory held him back politically.[31]

Explanations for elite audiences did the same work as any other kind of account. They allowed the candidate to reclaim his *virtus*, and they reaffirmed shared norms and values. Now, however, it was not the integrity of elections and the inviolable correctness of the people's decisions that at stake, but elite moral superiority. When a loser complained that he had lost because of the people's lack of proper judgment, the individual's loss served to bolster the identity of the group as a whole. It reaffirmed their difference from and superiority to the masses. Cicero's act of drawing back the curtain for his elite jurors at Plancius' trial had a similar effect. His elite listeners know the truth, he implies (thereby allowing all his listeners the pleasure of feeling for a moment as if they are part of this special group, even if in fact they are not): the people are not good judges of *virtus*, but we are.

[27] Cic. *Off*. 2.58; cf. Sall. *Hist*. 1.86M.
[28] Badian 1962, 61 n.17; Sumner 1964; cf. Plut. *Vit. Sull*. 10, on the people rejecting other Sullan candidates, and 35, on Sulla supporting an unnamed candidate in these elections.
[29] *De vir. Ill*. 61.3.
[30] Val. Max. 7.5.1.
[31] Cic. *Brut*. 117.

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Placing blame

Ambitious candidates suffering painful loss naturally cast around for someone to blame. If their defeats were someone else's fault, their own *virtus* could be preserved. Hirrus apparently blamed Curio (if the text as transmitted is correct) and took the opportunity to deliver invective against him, though we do not know why.[32] Such accounts policed norms by calling attention to transgressions.

The tactic best attested in our sources is to blame defeat on bribery by the opposition. Cicero's speeches in defence of those accused of bribery offer a rich, if one-sided, picture of how such accusations worked. A win could give great rewards: a defeated candidate who led a successful prosecution might take the convicted man's place. But, as Pina Polo has demonstrated, prosecution was also a high-risk strategy.[33] As well as presenting the unsuccessful candidate as a sore loser, it could result in the destruction of carefully-built relationships, and did not generally enhance a man's reputation. Cicero's speeches for Plancius and Murena run through all the faults of their accusers' campaigns one by one. The defeated candidates could hardly have enjoyed sitting in a courtroom listening to an accomplished orator list all the reasons that they had failed to win.

The wiser defeated candidate accused his opponent not of breaking the law, but of transgressing subtler moral or cultural norms. Here, therefore, we return to the idea that the aftermath of an election can be a time when people discuss what usually goes unspoken. Laelius' consular defeat in 142 came after Quintus Pompeius, who had promised to support him, began to campaign for himself instead. In the *de Amicitia*, though the context is not specified, Cicero makes Laelius recount how Scipio Aemilianus officially renounced Pompeius' friendship on his account.[34] Cicero's version suggests a serious breach of propriety. In the full anecdote as Plutarch presents it, however, Scipio is less incensed:

[32] Shackleton Bailey 1977, 394 wants to see Hirrus' behaviour entirely in an anti-Caesarian light, and so deletes the name of Curio, who was still an opponent of Caesar in mid-51.
[33] Pina Polo 2012, 79-80.
[34] Cic. *Lael*. 77; *Tusc*. 5.54 also mentions the defeat.

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> Γαΐῳ δὲ Λαιλίῳ τῷ φιλτάτῳ τῶν ἑταίρων ὑπατείαν μετιόντι συμπράττων ἐπηρώτησε Πομπήιον εἰ καὶ αὐτὸς ὑπατείαν μέτεισιν: ἐδόκει δὲ ὁ Πομπήιος υἱὸς αὐλητοῦ γεγονέναι: τοῦ δὲ φήσαντος μὴ μετιέναι, ἀλλὰ καὶ τὸν Λαίλιον ἐπαγγελλόμενος συμπεριάξειν καὶ συναρχαιρεσιάσειν, πιστεύσαντες καὶ περιμένοντες ἐκείνῳ ἐξηπατήθησαν: ἀπηγγέλλετο γὰρ αὐτὸς ἐν ἀγορᾷ περιιὼν καὶ δεξιούμενος τοὺς πολίτας. ἀγανακτούντων δὲ τῶν ἄλλων, ὁ Σκιπίων γελάσας 'ἀβελτερίᾳ γε' εἶπεν 'ἡμῶν, καθάπερ οὐκ ἀνθρώπους μέλλοντες ἀλλὰ θεοὺς παρακαλεῖν, πάλαι διατρίβομεν αὐλητὴν ἀναμένοντες.' (Plut. *Apophth. Reg.* 200c [*Scipio Min.*])
>
> Scipio was helping his dearest friend Gaius Laelius campaign for the consulship, and asked Pompeius if he too was standing. Pompeius was thought to be the son of a musician. He replied that he was not standing, but even told Laelius that he would canvass with him and help him with his campaign. They believed him and waited for him to join them, but they were deceived: for it was announced that he was going round the forum and canvassing the people in his own name. The others were angry, but Scipio laughed and said, "It is by our own stupidity that we waste our time waiting for a musician - as if we were going to summon gods rather than men."

Laelius and his friends reassure themselves that his defeat was not a true judgment on his *virtus*: it was all the fault of Pompeius and his treachery. But this account goes further still. By blaming his friend's defeat on the ignoble conduct of a social inferior, Scipio manages to save face and even to enhance his and his friends' reputations. Scipio adopts a pose of unruffled calm; Laelius is portrayed as dutiful, in contrast to the promise-breaking Pompeius; and they can both pride themselves on (and remind listeners of) their own high birth and consequential moral superiority.

The most common accusation losers levelled at their opponents was not disloyalty, but partisanship. Plutarch's narrative of the defeat of Metellus Numidicus in the consular elections of 101 is a good example:[35]

> πᾶσι μὲν οὖν προσέκρουε τοῖς ἀριστοκρατικοῖς, μάλιστα δὲ ὀρρωδῶν τὸν Μέτελλον ἠχαριστημένον ὑπ᾽ αὐτοῦ καὶ φύσει δι᾽ ἀρετὴν ἀληθῆ πολεμοῦντα τοῖς οὐ κατὰ τὸ βέλτιστον ὑποδυομένοις τὰ πλήθη καὶ πρὸς ἡδονὴν δημαγωγοῦσιν, ἐπεβούλευε τῆς

[35] On these elections, see further Evans 1987; Pina Polo 2012, 74.

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> πόλεως ἐκβαλεῖν τὸν ἄνδρα, καὶ πρὸς τοῦτο Γλαυκίαν καὶ Σατορνῖνον, ἀνθρώπους θρασυτάτους καὶ πλῆθος ἄπορον καὶ θορυβοποιὸν ὑπ᾽ αὐτοῖς ἔχοντας, σἰκειωσάμενος εἰσέφερε νόμους δι᾽ αὐτῶν καὶ τὸ στρατιωτικὸν ἐπάρας κατεμίγνυε ταῖς ἐκκλησίαις καὶ κατεστασίαζε τὸν Μέτελλον. ὡς δὲ Ῥουτίλιος ἱστορεῖ, τὰ μὲν ἄλλα φιλαλήθης ἀνήρ καὶ χρηστός, ἰδίᾳ δὲ τῷ Μαρίῳ προσκεκρουκώς, καὶ τῆς ἕκτης ἔτυχεν ὑπατείας ἀργύριον εἶς τὰς φυλὰς καταβαλὼν πολὺ καὶ πριάμενος τὸ Μέτελλον ἐκκροῦσαι τῆς ἀρχῆς, Οὐαλλέριον δὲ Φλάκκον ὑπηρέτην μᾶλλον ἢ συνάρχοντα τῆς ὑπατείας λαβεῖν. (Plut. *Vit. Mar*. 28)
>
> Therefore he [Marius] came into conflict with all the aristocrats, but he was most afraid of Metellus, because he had provoked him with ingratitude and because, by nature and because of his true excellence, Metellus was an enemy of those who appealed to the masses unscrupulously and used pleasure to gain a hold over them. Marius made a plan to exile Metellus from the city, and for this reason he made an alliance with Glaucia and Saturninus, exceedingly reckless men who had crowds of rowdy followers. He used them to bring in laws, and in addition he stirred up the soldiery and brought them to mingle in the assemblies, thus creating a faction against Metellus. Rutilius, a mostly truthful and excellent man, but who had a private quarrel with Marius, writes that he even obtained his sixth consulship by large-scale bribery of the tribes, thus keeping Metellus from the consulship by buying it; he obtained Valerius Flaccus more as a servant than as a consular colleague.

It seems likely that this entire explanation goes back to Metellus himself, if only because it shows him in such a positive light. Rutilius was a contemporary, who could have heard his account in person. Metellus is portrayed as an innocent victim of malign forces beyond his control whose adherence to good principles has cost him dear, rather than a man whose *virtus* did not pass the test. His opponents are corrupt opportunists who seek only their own advantage and are prepared to use crooked tactics, from factionalism to outright bribery, to win.

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Similar explanations recur again and again in our sources: electoral defeat is blamed on the malign influences of a faction.[36] Some great man with plenty of followers has set his face against the candidate; alternatively, the candidate's known support for an unpopular figure costs him votes. Sometimes it may even have been true.[37] A loser who blamed his defeat on the dishonourable operation of a faction accused his rivals of breaking one of the norms of Roman politics: the expectation that elections should be contested according to each man's personal virtues rather than political platforms or party slates.[38] For the defeated candidate, it was the perfect strategy. By depicting himself as the victim of a conspiracy, he helped build his case for future elections: voters should elect him as a way of rectifying the balance and punishing the unscrupulous plotters.

Examples of candidates using this strategy range across the entire chronological span for which we have reasonable evidence. In the censorial elections of 189, M.' Acilius Glabrio was apparently a front-runner. As Livy tells it, he was a new man and unpopular among the nobility. Cato too was working against him, not only because he was a rival candidate but also because Glabrio's decisions concerning the disposal of the booty from his victories in Greece fell foul of the famous Porcian sense of morality. A large and surprisingly disparate coalition banded together to prosecute Glabrio and derail his candidacy. Cato was a witness for the prosecution. Glabrio never actually contested the election. As Livy tells it, he withdrew with loud protests at Cato's actions:

> postremo in huius maxime invidiam desistere se petitione Glabrio dixit, quando, quod taciti indignarentur nobiles homines, id aeque novus competitor intestabili periurio incesseret. (Liv. 37.57)
>
> In the end Glabrio announced that he was withdrawing his candidacy in a way calculated to injure Cato. He said that his rival, an equally 'new' man, was attacking him with compromised, false evidence, and that the nobles were furious but kept silent.

[36] Examples not discussed in detail below range from Opimius, defeated by a Gracchan candidate in 123 (Plut. *Vit. C. Gracch*. 8, 11); to Sertorius, blocked from the tribunate in 89 by a Sullan faction (Plut. *Sert.* 4); to two Sullan candidates in 88 (Plut. *Vit. Sull*. 10); and even Laterensis (Cic. *Planc*. 53).
[37] Hirtius *ap.* Caes. *B.G.* 8.50 reports Caesar's opponents openly boasting that they have kept his candidate, Galba, out of the consulship in the elections of 50.
[38] See below for further discussion of this supposed norm.

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Glabrio's insinuation is that the *nobiles* are so determinedly opposed to him that they have entered into an unholy alliance with a man they despise. His hints at premeditated factionalism may be entirely spurious: of course all the other candidates, *nobiles* and *novi* alike, were keen to attack the reputation of one of their rivals.[39] But it was in Glabrio's interest to suggest that they colluded dishonourably against him, and this is the version Livy reports.

Cato's own campaign for the censorship in 189 was not successful either, but in Livy's version his second campaign five years later took up the same rhetoric Glabrio earlier used against him. All the *nobiles*, we are told, combined to crush his chances.[40] They were motivated not only by his birth but also by his renowned severity. Cato begs the people to see through their lies:

> etenim tum quoque minitabundus petebat, refragari sibi, qui liberam et fortem censuram timerent, criminando. (Liv. 39.41)
>
> And even then he campaigned with threats, saying that he was being held back by people who feared a strong and impartial censorship.

He asks the voters to punish the *nobiles* for their selfish factionalism and elect a man who will be appropriately strict on their extravagance.[41] His earlier defeat presumably helped to prove his point.

The late Republic, Hirrus' time, provides us with a wealth of examples of candidates whose defeat is attributed to factionalism. The most striking is Lucius Domitius Ahenobarbus, consul in 54 and an inveterate opponent of Caesar. Domitius – the same man whose lack of self-control when he lost the augural elections gave such joy to Caelius a few years later – had originally hoped to be consul in 55. But he had underestimated Caesar's ruthlessness: after he threatened that, as consul, he would invalidate Caesar's *acta*, Caesar persuaded the other triumvirs to renew their pact and put Pompey and Crassus in the consul's chairs instead. Once people realised that the two great men were standing, the other candidates knew that

[39] So Feig Vishnia 1996, 129.
[40] Liv. 39.41; cf. Plut. *Vit. Cat. Mai*. 16.
[41] On Cato's campaign rhetoric, see Tatum 2013, 137.

they were bound to be defeated.[42] All but one of them dropped out. The lone hold-out was Domitius, who refused to withdraw his candidacy. He only stopped campaigning when violence erupted and his slave was killed as he made his way down to the Campus.

Plutarch tells us that Domitius continued on a point of principle, urged on by his brother-in-law Cato: [43]

> Δομίτιον δὲ Κάτων οἰκεῖον ὄντα καί φίλον ἐθάρρυνεν ἐγκελευόμενος καί παρορμῶν ἔχεσθαι τῆς ἐλπίδος ὡς ὑπερμαχοῦντα τῆς κοινῆς ἐλευθερίας: οὐ γὰρ ὑπατείας Πομπήιον δεῖσθαι καί Κράσσον, ἀλλὰ τυραννίδος, οὐδ᾽ ἀρχῆς αἴτησιν, ἀλλ᾽ ἁρπαγὴν ἐπαρχιῶν καί στρατοπέδων εἶναι τὰ πραττόμενα. ταῦτα δὲ καί λέγων οὕτω καί φρονῶν ὁ Κάτων μόνον οὐ βίᾳ προῆγεν εἰς ἀγορὰν τὸν Δομίτιον (Plut. *Vit. Crass.* 15)
>
> But Cato encouraged Domitius, who was his relative and friend, inciting and urging him to keep hold of hope, since he was fighting for common freedom. He said that Pompey and Crassus did not seek the consulship, but tyranny; what they were doing was not a request for a magistracy, but a seizure of the provinces and the armies. Saying and thinking these things, Cato all but forced Domitius to go down to the forum.

The story fits well with what we know of Cato's posthumous reputation during the imperial period, and Plutarch probably found it in a hagiography of Cato. But what of Domitius himself? How can we explain why he persevered in a losing battle, bound to end in an ignominious defeat?

To understand Domitius' choice during the elections for 55 we must remember that he was eventually elected for 54.[44] Like the other candidates, he would have known that his first campaign was headed for defeat. But he had already decided to stand again. His posturing in the elections for 55 was an integral part of his campaign not for that year, but for the year after. The story of how he and his party were attacked on the very day of the election roused

[42] Plutarch (*Vit. Crass*. 15; *Vit. Cat. Min.* 41) dramatizes the affair, suggesting that there was a real chance that the triumvirs might be defeated, but Dio 39.31 has it right: the veterans shipped in for the vote carried the day.
[43] The same story appears at *Vit. Cat. Min.* 41; cf. *Vit. Pomp.* 52. The injured slave, though not the rhetoric of liberty against tyranny, is also at App. *B.C.* 2.17; Dio 39.31.
[44] Political chaos had disrupted the electoral schedule: the elections for 55 took place in January 55, which meant the elections for 54 were due in just seven months.

sympathy. Meanwhile, his defiant campaigning in the face of such violence drew attention to the fact that Pompey, Crassus, Caesar and their allies were colluding to run the Republic as tyrants, and, more specifically, to block his well-deserved consulship. According to Plutarch, it was Cato who used a rhetoric of tyranny to persuade Domitius not to withdraw. But the idea that the elections of 55 were a struggle for liberty must originally have entered the tradition through public communications emanating from Domitius' camp, if not Domitius himself.[45] Though our sources are more or less silent on the elections for 54, Domitius had already set himself up in a very strong position, and he won. If I am correct, we can reconstruct his successful campaign message: a vote for him was a vote against tyranny, and because of what had happened to him in the previous year, he was almost owed the consulship.

I shall finish my list of losers where I began, with the unfortunate Gaius Lucilius Hirrus. In the letters, we see Cicero, Curio, and Hirrus himself produce explanations for his defeat, many of which have already been discussed above. Hirrus began by reacting well, smiling rather than showing his *dolor* too openly. His first attempt at an account was a simple, face-saving explanation: he blamed the delay. He used strong language to bolster his own *virtus* and good conduct in contrast to whatever misdeed he imputed to Curio. His sudden flurry of court activity shows him playing a role, following the *exemplum* for a good defeated candidate who will do better next time. So we have three potential explanations: delay, misbehaviour of some kind by Curio, and lack of forensic profile. Hirrus could not do anything about the first two, but worked to correct the third.

But there was a fourth potential explanation for Hirrus' loss, one which Caelius had already suggested:

> opinionem quidem, quod ad Hirrum attinet, incredibilem aed. pl. comitiis nacta sunt. nam M. Coelium Vinicianum mentio illa fatua, quam deriseramus olim, et

[45] A strong stance against Caesar was already part of his political personality as praetor in 58 (*Schol. Bob.* 130, *ad* Cic. *Sest.* 41), if not before: he had been one of those accused in the Vettius affair (Cic. *Att.* 2.24.3). He had made his opposition to Caesar part of his consular campaign (Suet. *Caes.* 24) before Pompey and Crassus had entered the race; once they demonstrated that they were reconciled with Caesar, it is only natural that he turned his attacks on all three.

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> promulgatio de dictatore subito deiecit et deiectum magno clamore insecuta est. inde Hirrum cuncti iam non faciendum flagitare. (Cael. *ap*. Cic. *Fam*. 8.4.3)
>
> As far as Hirrus is concerned, an incredible indication was given at the elections for the plebeian aedileship. For that ridiculous idea which we used to laugh at, and the attempt to pass a law for the appointment of a dictator, destroyed the chances of Marcus Coelius Vincianus. He was jeered as he fell. Then everyone began to demand that Hirrus not be elected either.

A month before Hirrus' own *comitia*, a candidate for plebeian aedile had seen his hopes dashed, Caelius claims, because he had been connected to Hirrus's idea to make Pompey dictator. This was already a bad sign for Hirrus. Perhaps he too actually lost his election because of his political affiliations: he was seen as too closely tied to Pompey and hostile to Caesar. Hirrus must have been aware of this possibility. So why, when he was prepared to change his tactics and even, apparently, his personality in every other respect after his loss, did he continue to speak against Caesar?

At first sight, Hirrus' choice to keep attacking Caesar was a bad strategic move. His anti-Caesarian stance had probably harmed him in this election, and he was prepared to alter his self-presentation in other ways. But his behaviour is easier to understand when we remember how Glabrio and Domitius Ahenobarbus benefitted from blaming their defeats on factionalism. By continuing to oppose Caesar publicly, Hirrus signalled that his political attitude had cost him the aedileship. His implicit claim was that he had been the victim of partisanship – and that exactly that fact made him a better candidate for the future.

Spurious facts, spurious values?

In the final section of this paper, I return to the question of norms and values. The arguments made by Glabrio, Domitius, and potentially Hirrus rested on a norm that electoral competition should be built around each man's individual excellence, rather than political groupings or partisanship. There is no need to trace here all the negative connotations our Republican sources associate with *factio*, a topic already well explored in scholarship: I shall

concentrate on a few examples with specific relevance to electoral defeat.[46] In yet another of his comments on the electoral politics of the late 50s, and despite how much he enjoyed seeing the defeated man's expression, Caelius deplores the partisanship that resulted saw Domitius lose the augural elections:

> magna illa comitia fuerunt, et plane studia ex partium sensu apparuerunt; perpauci necessitudinem secuti officium praestiterunt. (Cael. *ap*. Cic. *Fam*. 8.14.1)
>
> The assembly was full, and it was clear that enthusiasm was entirely along party lines. Very few did their duty and voted according to their personal connections.

Somewhat surprisingly, the other side seems to have felt the same. Domitius was defeated by Mark Antony, supported by Caesar, but Caesar's faithful friend Hirtius also complained about the *factio et potentia paucorum* ('the faction and the influence of a minority', *ap.* Caes. *B.G.* 8.50) who opposed Antony's successful campaign. Voters, Caelius and Hirtius both suggest, should vote based on their individual ties of friendship, family, and obligation rather than partisan feeling.

The *locus classicus* for the evils of *partium studia* is Sallust:

> ceterum mos partium et factionum ac deinde omnium malarum artium paucis ante annis Romae ortus est otio atque abundantia earum rerum, quae prima mortales ducunt.
>
> But the habit of forming partisan groups and alliances, and then all kinds of evil techniques, began at Rome a few years before because of peace and abundance of those things which mortals value. (Sall. *Jug.* 41)

Yet we should not take his generalizing statement about the evils of partisanship entirely at face value. In the context of the work as a whole it is clear that he has a particular example in mind. A little later, he reports on Marius' election to the consulship in 108, saying *in utroque magis studia partium quam bona aut mala sua moderata* ('on each side people were consulting their partisan feelings rather than the candidates' good or bad points', Sall. *Jug*. 73). Is this a piece of historical analysis, or the traces of an excuse put forward by a defeated candidate? Usually history is written by the victors, but it is also possible that losers'

[46] Seager 1972; Brunt 1988, 443-502; Yakobson 1999, 148-56.

accounts, accounts which often stretched or even ignored the truth, could structure the way Romans thought about their past.

I have argued that explanations for defeat provided an arena in which the rules of political competition could be discussed and debated. Norms and values about what was and was not appropriate political behaviour were more important than truth or falsehood. A patently false explanation, like Sulla's, could still serve the defeated candidate's purposes. But this analysis must be taken one step further: just as a loser could refer to spurious facts, he could also appeal to spurious norms.[47]

When a Roman candidate claimed to have been defeated because of the influence of *partes* and *factio*, he preserved his own *virtus* and placed the blame on his opponents. They were the ones who had fallen short. This account played on norms about the boundaries of acceptable competition. Each man should stand for his own *virtus*, rather than relying on *factio* and collusion. But once we get beyond the high-sounding pronouncements of a Cicero or a Sallust, was avoiding *factio* really a guiding principle of Roman politics in action? Modern scholars no longer subscribe to long-lasting aristocratic factions in Münzer's sense, but we know that Roman politicians often formed temporary alliances and worked together to get elected.[48] By the time we reach the polarized 50s, candidates were openly sponsored by the great dynasts.[49] Many of the behaviours stigmatized by losing candidates as *factio* could in other situations be praised as *amicitia*. Hirtius attacks the faction using their influence against Antony in the same section that he reports how Caesar innocently used his own influence to support him.[50] Sallust's speech of Memmius is more explicit: *haec inter bonos amicitia, inter*

[47] The modern world offers any number of parallels. Politicians of all stripes regularly attack their opponents for offending against values neither they nor their audiences actually hold. They might claim that a rival has leaked confidential information to the media, for example, ignoring the fact that all sides regularly brief journalists on their plans and that the resulting flow of information that is seen as a normal and indeed valuable part of the functioning of modern Western democracy. Their supporters do not in fact hold firm values about the importance of confidentiality over transparency; instead, they use this supposed value to reaffirm what they already believe.

[48] E.g. Meier 1966, 7-23, 174-200; Yakobson 1999, 148-83; Feig Vishnia 2012. Some forms of electoral coordination, known as *coitio*, were even illegal; a famous case in 44 led to scandal (Cic. *Att.* 4.15.7, 4.17.2; *Q. F*. 3.1.16; Plut. *Vit. Pomp*. 53; cf. Morell 2014); but plenty of candidates stood as a team, benefitted from friendly presiding consuls, and so on.

[49] Discussion at e.g. Yakobson 1999, 169; Millar 1998, 175 comments on 'the full-scale "politicization" of elective office' in the 50s.

[50] Hirtius *ap.* Caes. *B.G.* 8.50.

malos factio est ('These things are *amicitia* among good men, *factio* among bad', *Jug.* 31). The true breach of protocol was not coming together to form alliances, but using those alliances for the wrong ends. If there ever was a norm against *factio* or *partium studia*, it was honoured more in the breach than in the observance.

Ironically, when candidates blamed factionalism for their defeats, the result was often more factionalisation rather than less. The *Commentariolum Petitionis* famously warns the candidate that he must try to please everyone and avoid taking firm stands on any matter of policy.[51] After the election, however, it made sense to take a more partisan stance, especially if your attempts to be all things to all people had failed. The cases of Cato the Elder, Domitius, and Hirrus are instructive. All three wanted their audiences to think that they were the victims of *factio*, and all three responded by intensifying their own partisan behaviour. Cato turned on the *nobiles*, Domitius never stopped posing as the anti-triumviral candidate, and Hirrus continued attacking Caesar.

Factio was a face-saving, paper-thin excuse, one which could have been treated no more seriously than Sulla's claim to have lost the election because the people wanted better games from him. In these cases, it was not the facts themselves but the norms in which the candidates couched them that were false. We could say the same about the apparent norm that one should not blame the people for electing the wrong man: Cicero advises against it and then goes on to do it within one and the same speech. When Republican politicians attempted to find accounts of defeat that both salvaged their identity as elite men and preserved the integrity of the system, they allowed themselves to discuss openly norms and values that were usually implicit. Sometimes, however, the result was a parallel political discourse about norms and values that was entirely tendentious.

The rhetoric of losers sometimes put Rome's unwritten political norms into words, and for this reason it can be valuable evidence for scholars investigating political culture. But we should keep a healthy scepticism: just as politicians could lie about the facts of why they lost, they could also appeal to invented or exaggerated norms. In this way, post-election rhetoric

[51] Comm. Pet. 53; discussion in Morstein-Marx 1998; Tatum 2007.

could give birth to parallel discourses of praise and blame which did not always accurately reflect – but had the potential to affect – Roman political culture.

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